

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP
(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Rezoning

ZB 3-1-01 MAF Realty, Inc., 6101 Orange Drive/Generally located at the northwest corner of Orange Drive and SW 61 Avenue

TITLE OF AGENDA ITEM:

ZB 3-1-01, M.A.F. Realty, Inc., 6101 Orange Drive (from RM-10 to B-2, Western Theme)

REPORT IN BRIEF:

The applicant is proposing to rezone the subject site from RM-10, Medium Density Dwelling District to B-2, Community Business District, Western Theme Overlay, in order to provide for consistent zoning designation on the entire property. The B-2 portion of the site lies within the boundaries of the Western Theme District, and the 0.3719 acre portion that this request is for lies outside of the Western Theme District. The approval of this rezoning will amend the district boundaries to include this 0.3719 acre piece into the Western Theme District.

Prior to purchasing the property, it was being utilized as daycare/preschool facility. Upon changing the use, to a real estate office, the 0.3719 acre portion of the site that is zoned RM-10 must be changed in order to utilize it as parking for the site. In addition, the applicant is required to install a six foot wooden fence along the western and northern portions of the site that abut the adjacent properties with residential zoning designations, remove the illegal non-conforming trailer, and must install landscaping as required by the Land Development Code.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its 4/25/01 meeting. Mr. Davis made a motion, seconded by Ms. Moore, to approve. (Motion carried 5-0)

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification letter, Boundary survey, Subject Site Map, Land Use Map, Aerial

Application #: ZB 3-1-01

Revisions:

Exhibit "A"

Original Report Date: 4/27/01

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner/Agent:

Name: MAF Realty, Inc.
Address: 6101 Orange Drive
City: Davie, FL 33314
Phone: (954)442-2444

BACKGROUND INFORMATION

Date of Notification: April 18, 2001 **Number of Notifications:** 72

Application History: No deferrals have been requested.

Application Request: To rezone the 0.3719 acre subject site **FROM:** RM-10, Medium Density Dwelling District; **TO:** B-2, Community Business District, Western Theme overlay.

Address/Location: 6101 Orange Drive/Generally located at the northwest corner of Orange Drive and SW 61 Avenue.

Future Land Use Plan Designation: Regional Activity Center

Zoning: RM-10, Medium Density Dwelling District

Existing Use: Parking for a single story commercial building, trailer.

Proposed Use: Parking for a single story commercial building, landscaping, open space.

Parcel Size: 0.3719 acres (16,199 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Single Family dwelling	Regional Activity Center
South:	MAF Realty	Regional Activity Center
East:	Vacant, FMC Telecom	Regional Activity Center
West:	Bookstore, Single Family dwelling	Regional Activity Center

Surrounding Zoning:

North: RM-10, Medium Density Dwelling District
South: B-2, Community Business District
East: B-2, Community Business District, Western Theme Overlay, M-1, Light Industrial District
West: RM-10, Medium Density Dwelling District, B-2, Community Business District, Western Theme Overlay

ZONING HISTORY

Related Zoning History: This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Previous Request on same property: None.

Summary of Significant Development Review Agency Comments

The subject site falls within the Town's Community Redevelopment area, and agency staff has no objections to this request.

APPLICATION DETAILS

The applicant is proposing to rezone the subject site from RM-10, Medium Density Dwelling District to B-2, Community Business District, Western Theme Overlay, in order to provide for consistent zoning designation on the entire property. The B-2 portion of the site lies within the boundaries of the Western Theme District, and the 0.3719 acre portion that this request is for lies outside of the Western Theme District. The approval of this rezoning will amend the district boundaries to include this 0.3719 acre piece into the Western Theme District.

Prior to purchasing the property, it was being utilized as daycare/preschool facility. Upon changing the use, to a real estate office, the 0.3719 acre portion of the site that is zoned RM-10 must be changed in order to utilize it as parking for the site. In addition, the applicant is required to install a six foot wooden fence along the western and northern portions of the site that abut the adjacent properties with residential zoning designations, remove the illegal non-conforming trailer, and must install landscaping as required by the Land Development Code.

Applicable Codes and Ordinances

1. Section 12-307 of the Land Development Code, review for rezonings.
-

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial

development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 98.

Applicable Goals, Objectives & Policies: None.

Staff Analysis

The proposed zoning will be consistent with the adjacent B-2, Community Business District, Western Theme Overlay zoning to the west, east, and south. It will provide uniform zoning to the overall 0.98 acre site, and will allow continued use of the existing commercial structure on the southern portion of the property. The proposed rezoning will also remain consistent with the Town of Davie and Broward County Land Use Plan designation as Regional Activity Center. The existing zoning boundaries are illogically drawn in relation to the existing conditions on the property as this entire site has been functioning as if it was zoned commercial.

Should the site be redeveloped, it would be required to follow Western Theme District regulations which strongly encourage through incentives to have buildings placed near the front property line and parking located in the rear.

The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. Therefore, the proposed use can be considered to be in harmony with the general intent and purpose of the code and will not be harmful to the public welfare.

Findings of Fact

Rezoning:

Section 12-309(B)(1):

The following findings of facts apply to the rezoning request.

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are not logically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted

intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

(f) The proposed change is not expected to adversely affect other property values;

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

(i) There are substantial reasons why the property cannot be used in accord with existing zoning.

Without the rezoning, the use of the commercially zoned half of the site is restricted, as it relies on the portion zoned RM-10, for parking, landscaping, and open space.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition ZB 3-1-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the request at its 4/25/01 meeting. Mr. Davis made a motion, seconded by Ms. Moore, to approve. (Motion carried 5-0)

Exhibits

1. Justification letter
2. Boundary survey
3. Subject Site Map
4. Land Use Map
5. Aerial

Prepared by: _____

Reviewed by: _____

MAF

M.A.F. REALTY, INC.

April 19, 2001

Mr. Christopher M. Gratz
Planner II
Development Services Department
Planning & Zoning Division
Town of Davie
6591 Orange Drive
Davie, Florida 33314

**Re: 6101 Orange Drive
Davie, Florida 33314
Application for Rezoning**

VIA FAX AND REGULAR MAIL

Dear Mr. Gratz:

Pursuant to our conversation this will serve to explain the reason behind our request to rezone the north section of the subject property as discussed. At the present we are the rightful owner of the property having closed on the purchase of it on February 28, 2001.

As indicated in previous correspondence to the Town, we have every intention of continuing to make the Town of Davie the most wonderful place to work and live. Our purchase of the subject property is clearly a testimonial, considering the investment, of this statement.

Rezoning: Our property consist of two lots and the south 20' of a third lot (see legal as per application). The larger portion of the property that runs along Orange Drive and for most of 61st Avenue are already zoned B-2. The smaller section in the rear (north) is zoned RM-10 (Residential) at this time.

The RM-10 zoning in the rear is actually being wasted on this parcel given the size and the limitations associated with it. The site is clearly commercial having frontage on Orange Drive in Downtown Davie with easy access to Orange Drive, Griffin Road, Davie Road, 61st Avenue, etc. The site has been treated as a single parcel for as long as the previous owner can remember and they owned it for over thirty years.

Our intentions now and at any time in the future quite frankly are to maintain the property in its present condition. It is safe to say that we will not develop the rear portion of the property but rather leave it as a natural buffer with our neighbors to the north and northwest.

3335 N. University Drive • Suite 1 • Hollywood, Florida 33024 • Phone: 954-442-2444 • Fax: 954-442-1444

Dade: 305-264-7728 • Palm Beach: 561-487-8584 • 1-800-799-7728 • Web Site: www.maf-realty.com



REGISTERED REAL ESTATE BROKER

Rezoning the entire parcel to B-2 offers the Town of Davie a favorable and clearly more productive location in Downtown Davie. We believe that this is a win win situation for the both of us.

Please keep in mind that we will immediately put up a wood fence along the entire north and west side of the property. If you have seen what is there now, I'm sure you will agree that this alone is a tremendous improvement.

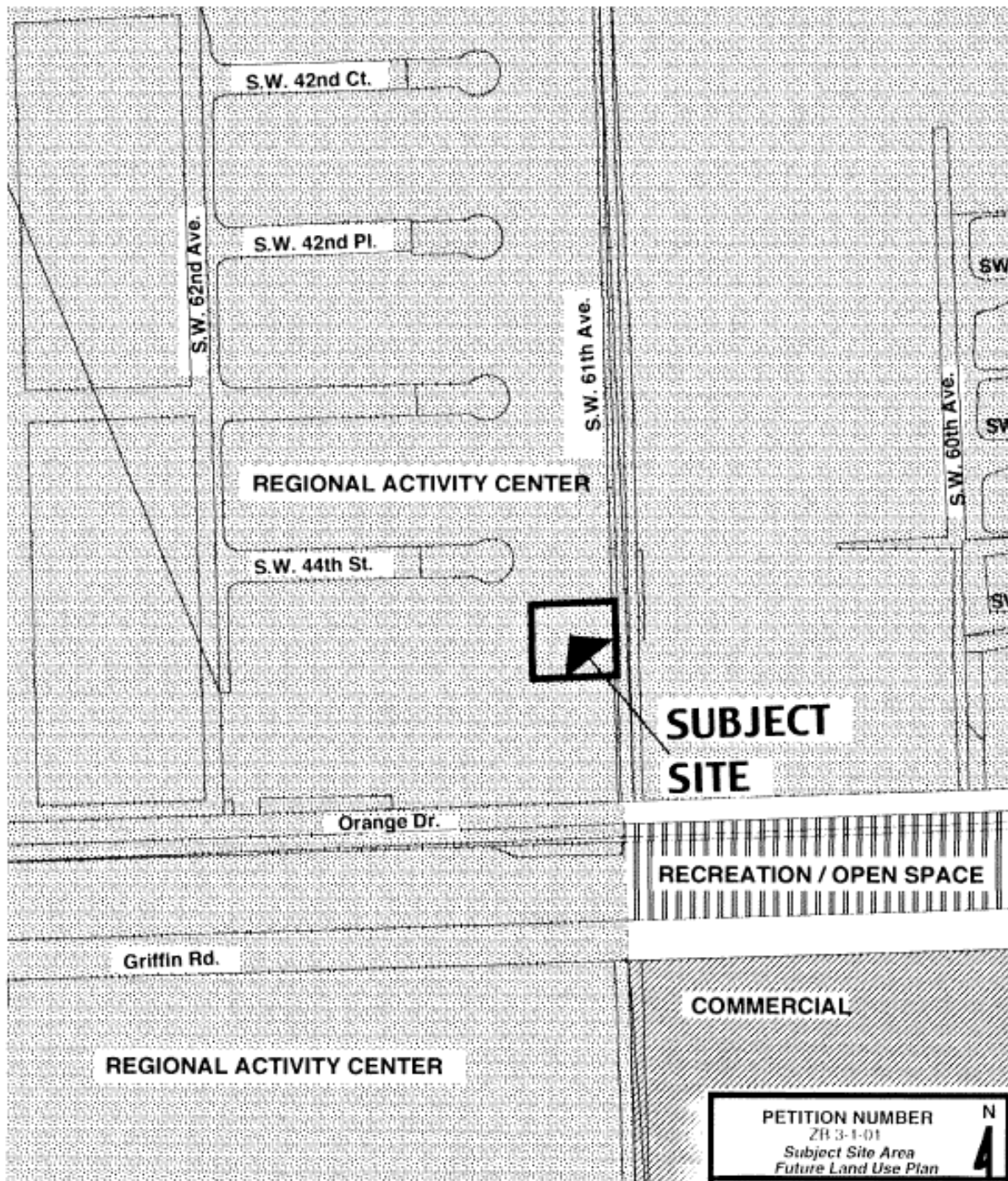
We have every intention of making this site a very warm and inviting one creating a positive location for our firm and the Town of Davie. With the minor repairs that we have already commenced the transformation has begun. After completing the Town's requirements for parking, landscaping, signage, etc., we will proudly have a property that we can all be proud of.

We request that the Town Council seriously consider our request for a Rezoning at the subject property at this time. We look forward to contributing to the Town of Davie in all aspects, and in being a positive and productive neighbor over the years.

Sincerely,

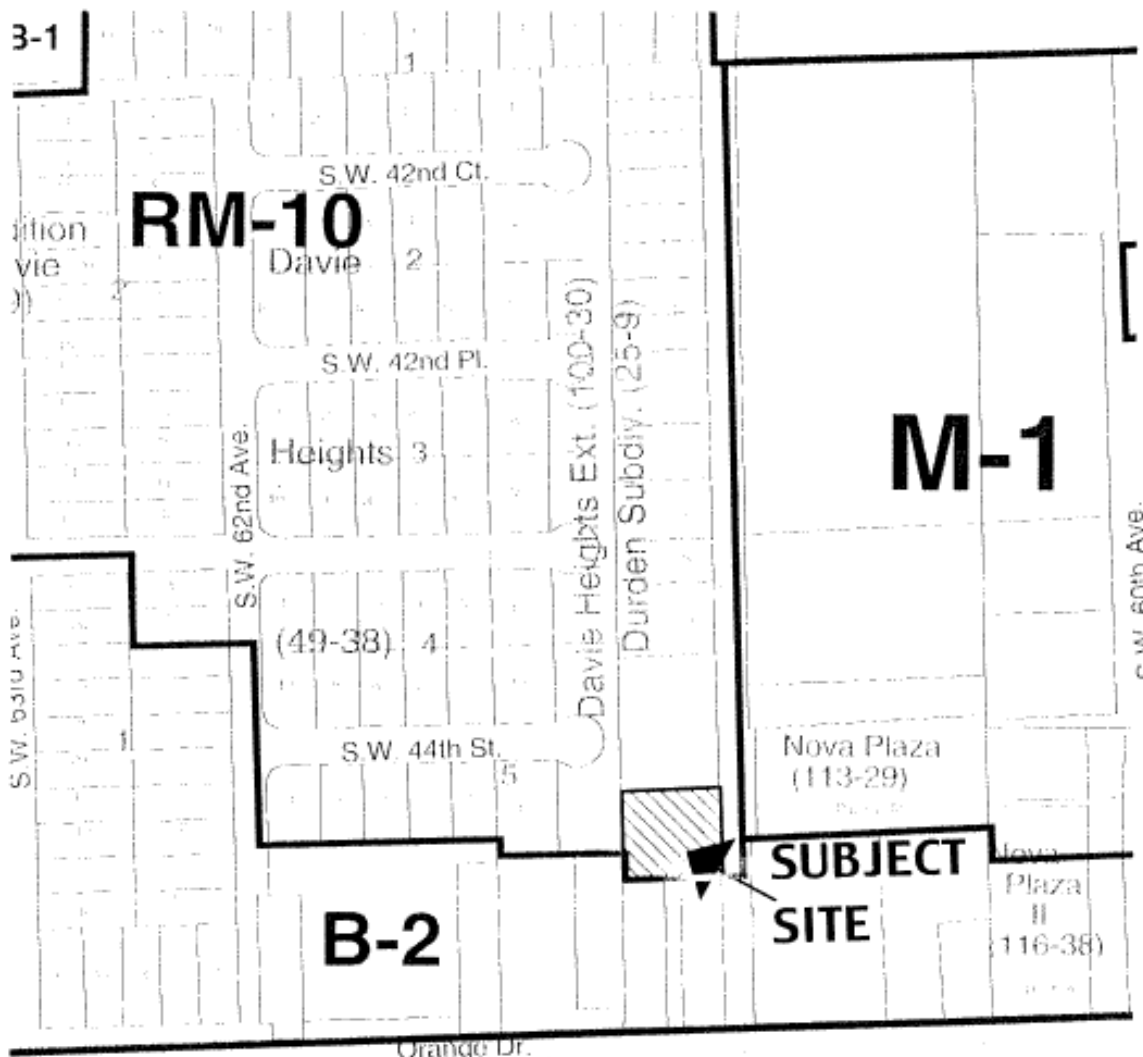
A handwritten signature in black ink, appearing to read 'Marsh A. Ferreira', with a stylized flourish at the end.

Marsh A. Ferreira
President



PETITION NUMBER ZB 3-1-01 Subject Site Area Future Land Use Plan	N 4
PREPARED 4/20/11 BY THE PLANNING & ZONING DIVISION	Scale: 1" = 100'

3-1



SOUTH NEW RIVER CANAL

Griffin Rd.

Griffin Corridor District
(Downtown Zone)

PETITION NUMBER	N
ZB 3-1-01	4
Subject Site Area Zoning Map	
PREPARED 4/2/01	Scale 1" = 200'
BY THE PLANNING & ZONING DIVISION	

